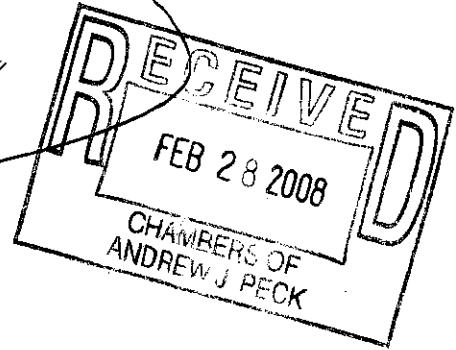


US: CSDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 2/28/08

07-CV-4688



Dear Sir enclosed is a copy of my D.N.A result from the Division of Criminal Justice Service and it does not match what the D.A says is my D.N.A. I've checked it with all the D.N.A paperwork and the numbers dont match sir. I can't have two or three different results. These test are recent so can you help me sir. If do you recommend I send this to the Innocence Project, if so please send these documents back to me.

Lincerely  
Elvert Mitchell

**MEMO ENDORSED** 2/28/08

These results above are nothing more. And as I have previously advised you, you cannot bring a habeas. I have a federal court or an appeal that you didn't file with in state court. You should bring a claim for writ of habeas, in state court. And perhaps the Innocence Project will help you.

SO ORDERED:

Hon. Andrew Jay Peck  
United States Magistrate Judge

cc: Del Party/Complaint  
Joe Swain

**BY FAX**



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
Four Tower Place  
Albany, New York 12203-3764  
<http://criminaljustice.state.ny.us>

DENISE E. O'DONNELL  
COMMISSIONER

GINA L. BIANCHI  
DEPUTY COMMISSIONER  
AND COUNSEL

February 14, 2008

Mr. Elbert Mitchell (#89-A-0453)  
Southport Correctional Facility  
P.O. Box 2000  
Pine City, New York 14871-2000

Dear Mr. Mitchell:

This is in response to your letters in which you requested a copy of your DNA Databank Submission Form and a copy of the results of your DNA testing.

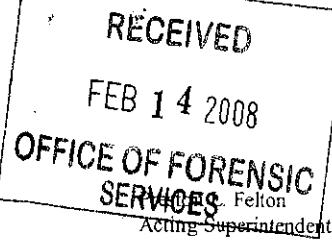
Enclosed please find a copy of your DNA Databank Submission Form and the results of your DNA testing.

Very truly yours,

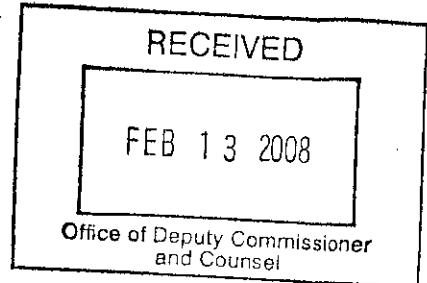
A handwritten signature in black ink, appearing to read "Gina L. Bianchi".

Gina L. Bianchi

Encls.



NEW YORK STATE POLICE  
FORENSIC INVESTIGATION CENTER  
Building 30  
1220 Washington Avenue  
Albany, New York 12226-3000  
(518) 457-1208



February 11, 2008

Ms. Gina L. Bianchi  
Division of Criminal Justice Services  
Office of Forensic Services  
4 Tower Place  
Albany, New York 12203-3702

Dear Ms. Bianchi:

The New York State DNA Databank developed the following DNA profile:

**Specimen ID #10027896**

Locus	D3S1358	VWA	FGA	D8S1179	D21S11	D18S51	D5S818
Alleles	14, 16	15, 16	21, 24	13, 15	28, 29	15, 18	12, 13

Locus	D13S317	D7S820	D16S539	TH01	TPOX	CSF1PO	Amelogenin
Alleles	11, 13	10, 12	12	7	9, 10	10, 13	X, Y

Attached please find a copy of the DNA Databank Specimen Submission Form.

Supervisor of Forensic Services  
Forensic Investigation Center

PW:paw  
cc:file

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated: February 28, 2008**

**Total Number of Pages: 4**

TO	FAX NUMBER
Susan Gliner, Esq. Nicole Beder, Esq.	212-335-9288

## **TRANSCRIPTION:**

**MEMO ENDORSED 2/28/08**

**These results alone mean nothing to me. And as I have previously advised you, you cannot bring a habeas claim in federal court on an issue that you did not first raise in state court. You should bring a claim, pro se if necessary, in state court. And perhaps the Innocence Project will help you.**

**Copies to: Elbert Mitchell (Mail)  
Judge Laura Taylor Swain**